

IN RE: PETITION FOR VARIANCE
E/S Rolling Road, 395' S of
the c/l of Collinsway Road
(1333 N. Rolling Road)
1st Election District
1st Councilmanic District

Joseph E. Buchanan, II
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 95-411-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 1333 North Rolling Road, located in the vicinity of Catonsville. The Petition was filed by the owner of the property, Joseph E. Buchanan, II. The Petitioner seeks variance relief from Section 1B02.C.1.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit as follows: For Lot 1: a front setback of 36 feet in lieu of the required 40 feet and a side yard setback of 14 feet in lieu of the required 25 feet between Lots 1 and 2; For Lot 9: a front setback of 20 feet in lieu of the required 25 feet and a side yard setback of 10 feet in lieu of the required 16 feet between Lots 8 and 9 (for 25' height relationship); For Lot 10: a side yard setback of 10 feet in lieu of the required 15 feet (for 25' height relationship), a front yard setback of 20 feet in lieu of the required 25 feet, and a rear yard setback of 13 feet in lieu of the required 30 feet; and, For Lot 11: a front yard setback of 22 feet in lieu of the required 25 feet, a side yard setback of 5 feet in lieu of the required 13 feet between Lots 10 and 11 (for 25' height relationship), and a rear yard setback of 14 feet in lieu of the required 30 feet. The subject property and relief sought are more particularly described on the site plan submitted and accepted into evidence as Petitioner's Exhibit 1.

ORDER RECEIVED FOR FILING

Date

By

RECEIVED

Appearing at the hearing on behalf of the Petition were Joseph E. Buchanan, II, owner of the property, and Patrick M. O'Keefe, Sr., Professional Engineer. There were no Protestants present.

Testimony and evidence offered revealed that the property which is the subject of this request is located within the subdivision known as Adil Meadows, a small development consisting of 13 single family lots on which new dwellings are being constructed. Mr. Buchanan is both the owner of the property as well as the builder. Mr. Buchanan testified that 4 of the 13 lots are irregularly shaped with small building envelopes. These small building envelopes have prevented Mr. Buchanan from constructing the type of home that has sold elsewhere within this subdivision. In order to construct homes consistent with the style and price range of other homes in this subdivision, the requested variances are necessary.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

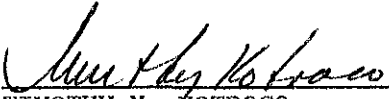
After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 12th day of July, 1995 that the Petition for Variance seeking relief from Section 1B02.C.1.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit as follows: For Lot 1: a front setback of 36 feet in lieu of the required 40 feet and a side yard setback of 14 feet in lieu of the required 25 feet between Lots 1 and 2; For Lot 9: a front setback of 20 feet in lieu of the required 25 feet and a side yard setback of 10 feet in lieu of the required 16 feet between Lots 8 and 9 (for 25' height relationship); For Lot 10: a side yard setback of 10 feet in lieu of the required 15 feet (for 25' height relationship), a front

yard setback of 20 feet in lieu of the required 25 feet, and a rear yard setback of 13 feet in lieu of the required 30 feet; and, For Lot 11: a front yard setback of 22 feet in lieu of the required 25 feet, a side yard setback of 5 feet in lieu of the required 13 feet between Lots 10 and 11 (for 25' height relationship), and a rear yard setback of 14 feet in lieu of the required 30 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

July 12, 1995

Mr. Joseph E. Buchanan, II
9712 Magledt Road
Baltimore, Maryland 21234

RE: PETITION FOR VARIANCE
E/S Rolling Road, 395' S of the c/l of Collinsway Road
(1333 N. Rolling Road)
1st Election District - 1st Councilmanic District
Joseph E. Buchanan, II - Petitioner
Case No. 95-411-A

Dear Mr. Buchanan:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Permits and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Patrick M. O'Keefe, Sr.
523 Penny Lane, Hunt Valley, Md. 21030

People's Counsel

File

MICROFILMED





75-411-A

Petition for Variance

AND AMENDMENT OF F.D.P. (ADIL MEADOWS)

to the Zoning Commissioner of Baltimore County

for the property located at

1333 N Rolling Rd

which is presently zoned

PR-3.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

SECT 180.2.C.1.b (BC-ZR)

SEE ATTACHED COPY FOR VARIANCE REQUEST

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

FIT HOUSES ON LOTS, PROVIDE LIGHT & MEANS OF EGRESS & ACCOMMODATE MARKET REQUIREMENTS WITH TYPE OPTIONS

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Phone No

City

State

Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition

Legal Owner(s).

(Type or Print Name)

Signature

(Type or Print Name)

Signature

Address

Phone No

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

Name

Address

Phone No

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

R.T.

DATE

5/9/95

ITEM# 401

Printed with Soybean Ink
on Recycled Paper

ORDER RECEIVED FOR FILING

Date

By

REASONS FOR 1ST AMENDMENT TO F.D.P.
75-411-A

LOT-1 36' SET BACK ON ROLLING RD
INSTEAD OF 40' REQUIRED

14' SIDE YARD SET BACK INSTEAD
OF 25' REQUIRED BETWEEN LOTS 1 & 2

LOT-9 28' FRONT SET BACK ON ADJ CT
INSTEAD OF 25' REQUIRED

18' SIDE YARD SET BACK INSTEAD
OF 16' NEEDED BETWEEN LOTS 8 & 9
FOR 25' HEIGHT RELATIONSHIP

LOT-10 10' SIDE YARD SET BACK INSTEAD OF
15' NEEDED FOR MIN 25' HEIGHT RELATION-

20' FRONT YARD SET BACK INSTEAD OF
25' NEEDED FOR MIN. SET BACK.

13' REAR YARD SET BACK INSTEAD OF
30' NEEDED FOR MIN REAR YARD SET BACK

LOT-11 22' FRONT YARD SET BACK INSTEAD OF
25' NEEDED FOR MIN. SET BACK.

ITEM # 401

5' SIDE YARD SET BACK INSTEAD
OF 13' NEEDED FOR MIN. 25' HEIGHT
RELATIONSHIP BETWEEN LOTS 10 & 11

14' REAR YARD SET BACK INSTEAD OF
30' NEEDED FOR MIN. REAR YARD.

MAISTE & WATTS, INC.



95-411-A
SURVEYORS / ENGINEERS

2923 Chenoak Ave. Baltimore, Md. 21234

Phone (410) 882-0321 Fax (410) 661-8752

**DESCRIPTION OF LOT NO.1
ADIL MEADOWS
TO ACCOMPANY PETITION FOR ZONING VARIANCE
1-ST ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND**

Beginning for the same at the point of intersection of the East side of Rolling Road, 70 feet wide, and the South side of Adil Court, 50 feet wide, thence leaving said place of beginning and running along the South side of Adil Court, the 3 following courses:

- 1) North 28°43'18" East 14.14 feet
- 2) North 73°43'18" East 59.00 feet and
- 3) Northeasterly by a line deflecting to the left with a radius of 525.00 feet for an arc length of 14.36 feet (with a chord bearing North 72°56'17" East 14.36 feet), thence leaving Adil Court and running the 2 following courses:
 - 4) South 17°50'42" East 97.49 feet and
 - 5) South 86°20'26" West 88.15 feet to the East side of said Rolling Road, thence running and binding thereon,
- 6) North 16°16'42" West 68.00 feet to the place of beginning.

Containing 0.169 Acres of Land.

ITEM # 401



Juri Maiste

MAISTE & WATTS, INC.

MAISTE & WATTS, INC.



SURVEYORS / ENGINEERS

2923 Chenoak Ave. Baltimore, Md. 21234

Phone (410) 882-0321 Fax (410) 661-8752

**DESCRIPTION OF LOT NO.11
ADIL MEADOWS
TO ACCOMPANY PETITION FOR ZONING VARIANCE
1-ST ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND**

Beginning for the same at the point of intersection of the East side of Rolling Road, 70 feet wide, and the North side of Adil Court, 50 feet wide, thence leaving said place of beginning and running along the North side of Adil Court, the 2 following courses:

- 1) South 61°16'42" East 14.14 feet and
- 2) North 73°43'18" East 59.00 feet, thence leaving Adil Court and running the 2 following courses:
- 3) North 16°16'42" West 74.00 feet and
- 4) South 73°43'18" West 69.00 feet to the East side of said Rolling Road, thence running and binding thereon,
- 5) South 16°16'42" East 64.00 feet to the place of beginning.

Containing 0.116 Acres of Land.



ITEM # 401

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

95-411-17

District 1st Date of Posting 5/26/95

Posted for: Variance

Petitioner: Joseph Buckenry, II

Location of property: 1333 Rolling Rd.

Location of Signs: facing roadway, on property being zoned

Remarks: _____

Posted by [Signature] Date of return: 6/2/95

Signature

Number of Signs: 2

MICROFILMED



NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 108 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: #95-411-A
(Item 401)
1333 N. Rolling Road
E/S Rolling Road, 395' +/-
S of c/o Collins Road to
c/o Adm. Court
1st Election District
1st Councilmanic
Legal Owner(s):
Joseph E. Buchanan, II
Hearing: Tuesday,
June 13, 1995 at 2:00
p.m. in Rm. 118, Old
Courthouse

Variance to permit 36-foot setback on Rolling Road instead of 40 feet required for Lot #1; to permit 14-foot side yard setback instead of 25 feet required between Lots #1 and #2 for Lot #1; to permit 20-foot front setback on Adm. Court instead of 25 feet required for Lot #9; to permit 10-foot side yard setback instead of 16 feet needed between Lots #8 and #9 for 25-foot height relationship for Lot #9; to permit 10-foot side yard setback instead of 15 feet needed for minimum 25-foot height relationship for Lot #10; to permit 20-foot front yard setback instead of 25 feet needed for minimum setback for Lot #10; to permit 13-foot rear yard setback of 30 feet needed for minimum rear yard setback for Lot #10; to permit 22-foot front yard setback instead of 25 feet needed for minimum setback for Lot #11; to permit a 5-foot side yard setback instead of 13 feet needed for minimum 25-foot height relationship between Lots #10 and #11 for Lot #11; and to permit 14-foot rear yard setback instead of 30 feet needed for minimum rear yard.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Call 887-3353.

(2) For information concerning the file and/or hearing, Please Call 887-3391.
5/335 May 25.

CERTIFICATE OF PUBLICATION

TOWSON, MD.,

5/25, 1995

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 5/25, 1995.

THE JEFFERSONIAN,

A. Henickson
LEGAL AD. - TOWSON



Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

95-411-A

Account: R-001-6150

Number 401

R.T.

Date

5/9/95

Joseph Buchanan
1333 N. Rolling Rd.

01 - VARIANCE 4 lots @ \$50⁰⁰ = \$200⁰⁰
03 - SPH (AMEND) 4 lots @ \$5⁰⁰ = \$200⁰⁰
08 - 4 SKINS = \$140⁰⁰

TOTAL

\$540⁰⁰

RECEIVED
BALTIMORE COUNTY
MAY 10 1995

Please Make Checks Payable To: Baltimore County

Cashier Validation

5/21

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 401

Petitioner: Joseph E. Buchanan ^{JE}

Location: 1333 N. Rolling Rd

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Joseph E. Buchanan ^{JE}

ADDRESS: 9712 MAGNET RD

BALTIMORE MD. 21234

PHONE NUMBER: 410-882-5827

AJ:ggs

(Revised 04/09/93)



TO: PUTUXENT PUBLISHING COMPANY
MAY 25, 1995 Issue - Jeffersonian

Please forward billing to:

Joseph E. Buchanan, II
9712 Magledt Road
Baltimore, MD 21234
882-5827

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-411-A (Item 401)
1333 N. Rolling Road
E/S Rolling Road, 395' +/- S of c/l Collins Road to c/l Adil Court
1st Election District - 1st Councilmanic
Legal Owner(s): Joseph E. Buchanan, II
HEARING: TUESDAY, JUNE 13, 1995 at 2:00 p.m. in Room 118, Old Courthouse

Variance to permit 36-foot setback on Rolling Road instead of 40 feet required for Lot #1; to permit 14-foot side yard setback instead of 25 feet required between Lots #1 and #2 for Lot #1; to permit 20-foot front setback on Adil Court instead of 25 feet required for Lot #9; to permit 10-foot side yard setback instead of 16 feet needed between Lots #8 and #9 for 25-foot height relationship for Lot #9; to permit 10-foot side yard setback instead of 15 feet needed for minimum 25-foot height relationship for Lot #10; to permit 20-foot front yard setback instead of 25 feet needed for minimum setback for Lot #10; to permit 13-foot rear yard setback instead of 30 feet needed for minimum rear yard setback for Lot #10; to permit 22-foot front yard setback instead of 25 feet needed for minimum setback for Lot #11; to permit a 5-foot side yard setback instead of 13 feet needed for minimum 25-foot height relationship between Lots #10 and #11 for Lot #11; and to permit 14-foot rear yard setback instead of 30 feet need for minimum rear yard.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

May 18, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-411-A (Item 401)

1333 N. Rolling Road

E/S Rolling Road, 395'+/- S of c/l Collins Road to c/l Adil Court

1st Election District - 1st Councilmanic

Legal Owner(s): Joseph E. Buchanan, II

HEARING: TUESDAY, JUNE 13, 1995 at 2:00 p.m. in Room 118, Old Courthouse

Variance to permit 36-foot setback on Rolling Road instead of 40 feet required for Lot #1; to permit 14-foot side yard setback instead of 25 feet required between Lots #1 and #2 for Lot #1; to permit 20-foot front setback on Adil Court instead of 25 feet required for Lot #9; to permit 10-foot side yard setback instead of 16 feet needed between Lots #8 and #9 for 25-foot height relationship for Lot #9; to permit 10-foot side yard setback instead of 15 feet needed for minimum 25-foot height relationship for Lot #10; to permit 20-foot front yard setback instead of 25 feet needed for minimum setback for Lot #10; to permit 13-foot rear yard setback instead of 30 feet needed for minimum rear yard setback for Lot #10; to permit 22-foot front yard setback instead of 25 feet needed for minimum setback for Lot #11; to permit a 5-foot side yard setback instead of 13 feet needed for minimum 25-foot height relationship between Lots #10 and #11 for Lot #11; and to permit 14-foot rear yard setback instead of 30 feet need for minimum rear yard.

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon
Director

cc: Joseph E. Buchanan, II

- NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

June 7, 1995

Mr. Joseph E. Buchanan
9712 Magledt Road
Baltimore, Maryland 21234

RE: Item No.: 401
Case No.: 95-411-A
Petitioner: J. E. Buchanan

Dear Mr. Buchanan:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by, the Office of Zoning Administration and Development Management (ZADM), Development Control Section on May 9, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties; i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

A handwritten signature in dark ink, appearing to read "W. Carl Richards, Jr.", is written over a circular stamp.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)



B A L T I M O R E C O U N T Y, M A R Y L A N D

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, ZADM

DATE: June 1, 1995

FROM: Pat Keller, Director, OPZ

SUBJECT: Adil Meadows

INFORMATION:

Item Number: 401

Petitioner: Joseph E. Buchanan

Property Size: _____

Zoning: D.R. 3.5

Requested Action: Variance

Hearing Date: ____/____/____

SUMMARY OF RECOMMENDATIONS:

The applicant requests relief from several setback requirements and an amendment to the Final Development Plan for Adil Meadows.

Pursuant to Section 1B01.3A7.b(1) of the Baltimore County Zoning Regulations, an analysis of the subject request reveals that this amendment is technically in accordance with the specific standards and requirement of (BCZR) Article (1B), as required by sub-section 7.b(2).

Notwithstanding the finding that the amendment is in accordance with the appropriate sections of the Baltimore County Zoning Regulations and the Comprehensive Manual of Development Policies, staff recommends the applicant's Variance request be denied for the reasons outlined below:

The Maryland Court of Special Appeals has outlined in the case *Cromwell v. Ward* a complete history of variances, their intent and purpose, and the grounds upon which variances should be considered. The Court of Appeals has outlined a two step process by which all variances should be evaluated. In summary the Court provided the following.

1. "The first step [in the review process] requires a finding that the property whereon the structures are to be placed (or uses conducted) is - in and of itself - unique and unusual in a manner different from the nature of surrounding properties such that the uniqueness and peculiarity of the subject property causes the zoning provision to impact disproportionately upon that property."
2. "[The] second step taken in the process [is the] determination of whether practical difficulty and/or unreasonable hardship, resulting from the disproportionate impact of the ordinance caused by the property's uniqueness exists. Further consideration must then be given to the general purposes of the zoning ordinance."

The Court goes on to state that "Evidence of hardship or difficulty that will support a variance must relate to the land itself and not the owner applicant. A hardship created by the owner constitutes no valid basis for a variance." Financial hardship, or actual construction whether legally enabled e.g. permit or illegally conducted e.g. construction without a permit does not constitute grounds for a variance.

The applicant's indicated hardship or practical difficulty provides no valid basis for the granting of a Variance in this case.

Prepared by:

Jeffrey W. Long

Division Chief:

Gary L. Kerns

PK/JL

BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: May 30, 1995
Zoning Administration and Development Management

FROM: *[Signature]* Robert W. Bowling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for May 30, 1995
Items 401, 402, 406, and 407

The Developers Engineering Section has reviewed
the subject zoning item and we have no comments.

RWB:sw

MICROFILMED

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 05/23/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF MAY 22, 1995.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 401, 402, 404, 405,
406, 407, 409, 410 AND 411.

RECEIVED

MAY 30 1995

ZADM

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: ZADM

DATE: 5/30/95

FROM: DEPRM
Development Coordination

SUBJECT: Zoning Advisory Committee
Agenda: 5/22/95

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:

401
407
408
409
410
411 s

LS:sp

LETTY2/DEPRM/TXTSBP



Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

5-16-95

Ms. Joyce Watson
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: 401 (101)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for

Ronald Burns, Chief
Engineering Access Permits
Division

BS/

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

6/13/95

2:00 HEARING
ADIL MEADOWS

NAME

ADDRESS

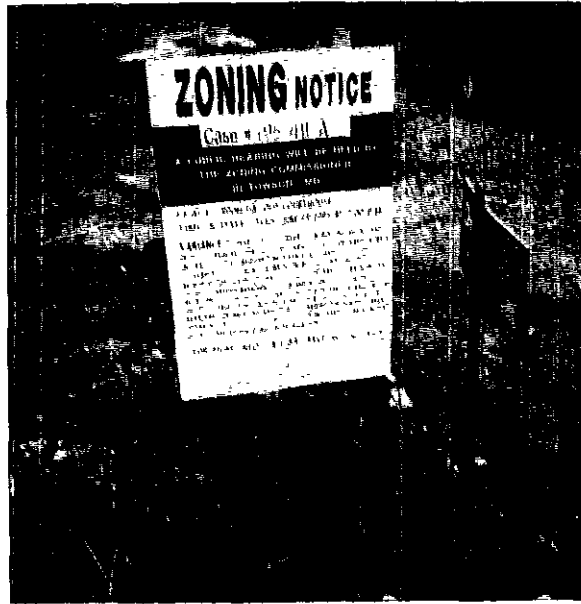
Joseph E. Buckman
Patrick M. O'Keefe, SR

9712 MAGLETT RD.
523 PENNY LANE, MOUNT VALLEY, 21030



Printed with Soybean Ink
on Recycled Paper

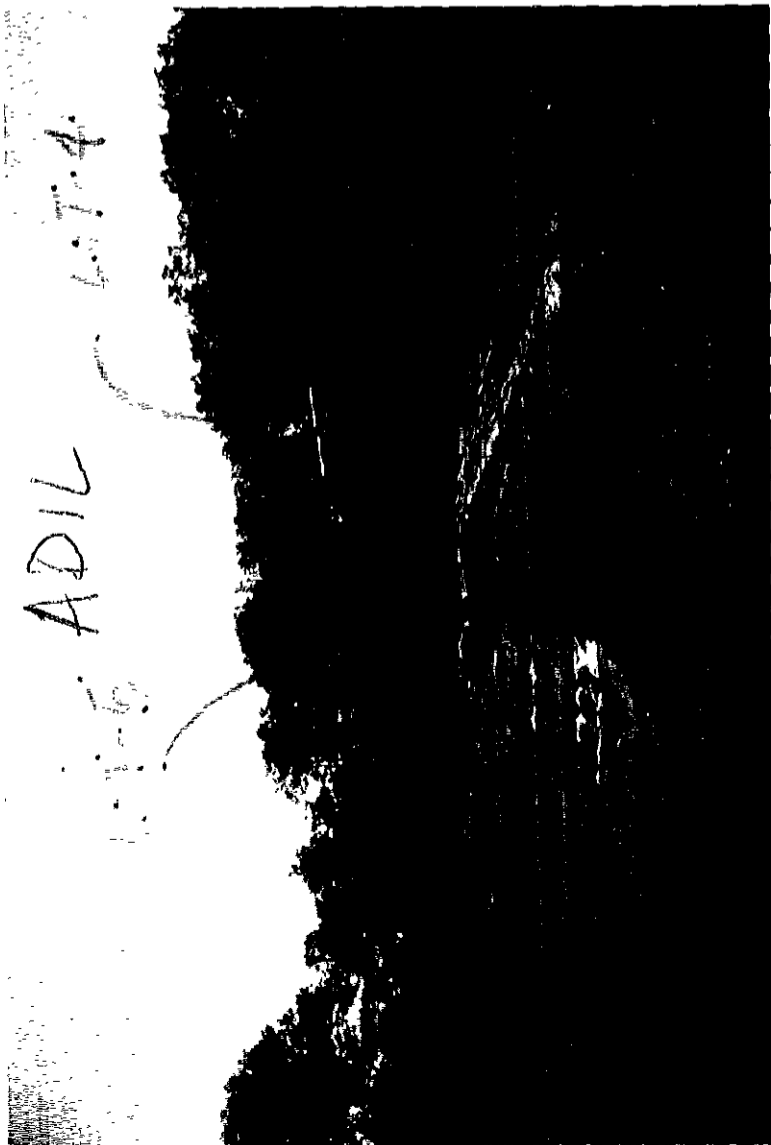
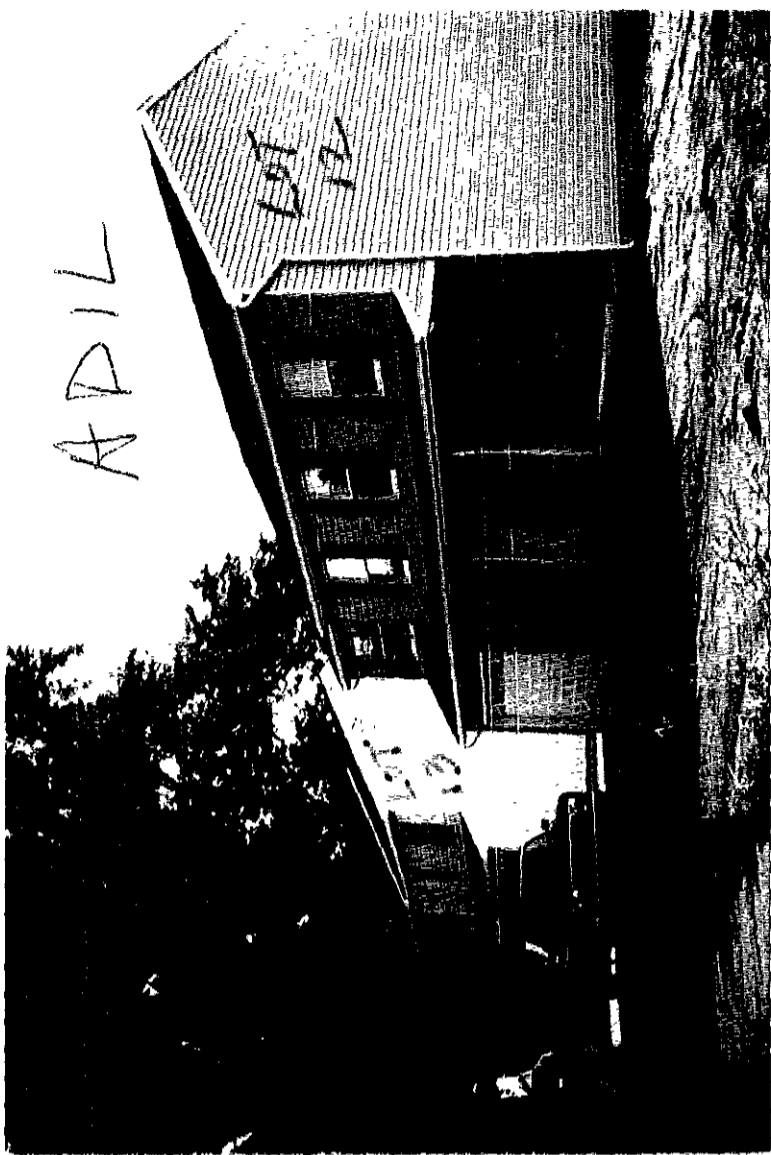
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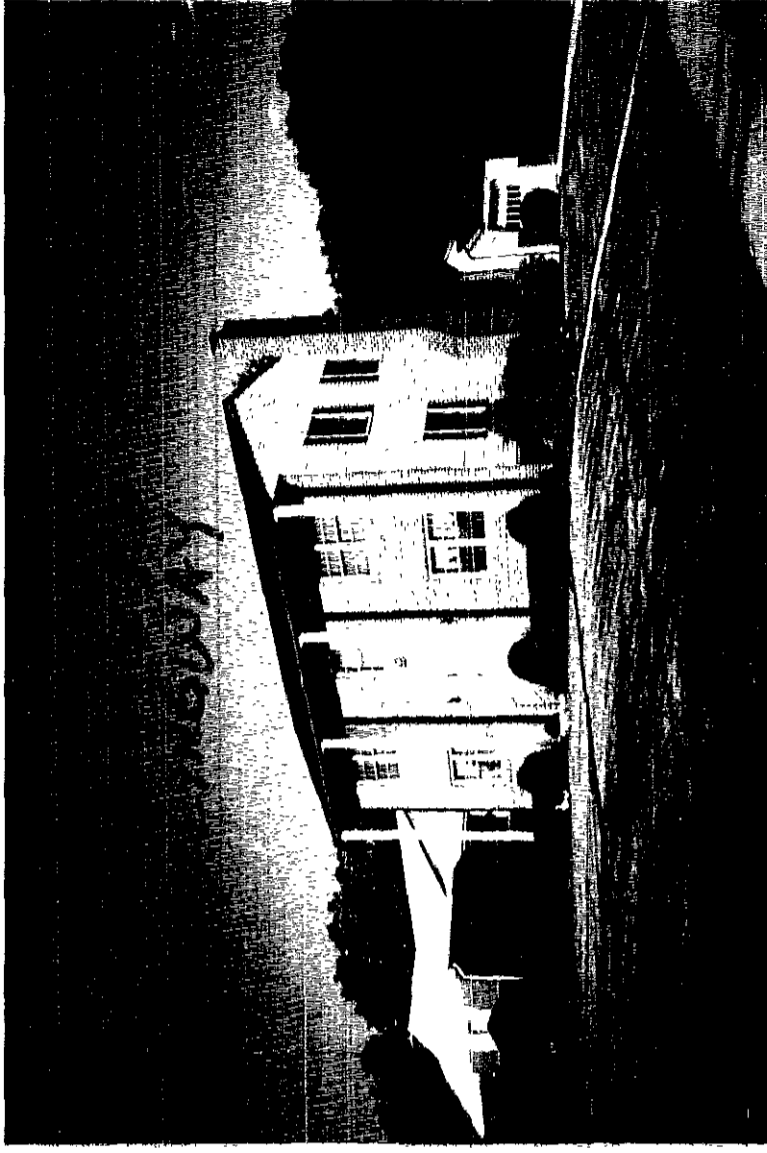


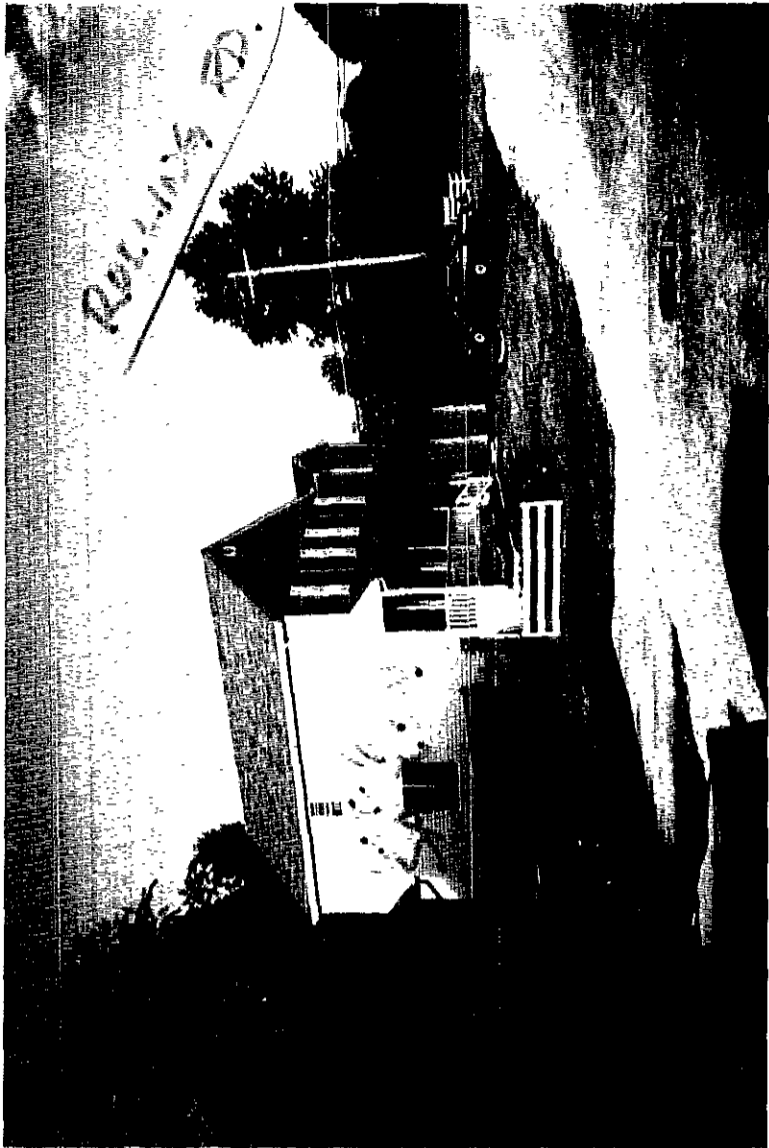
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Petitioner's

Exhibits





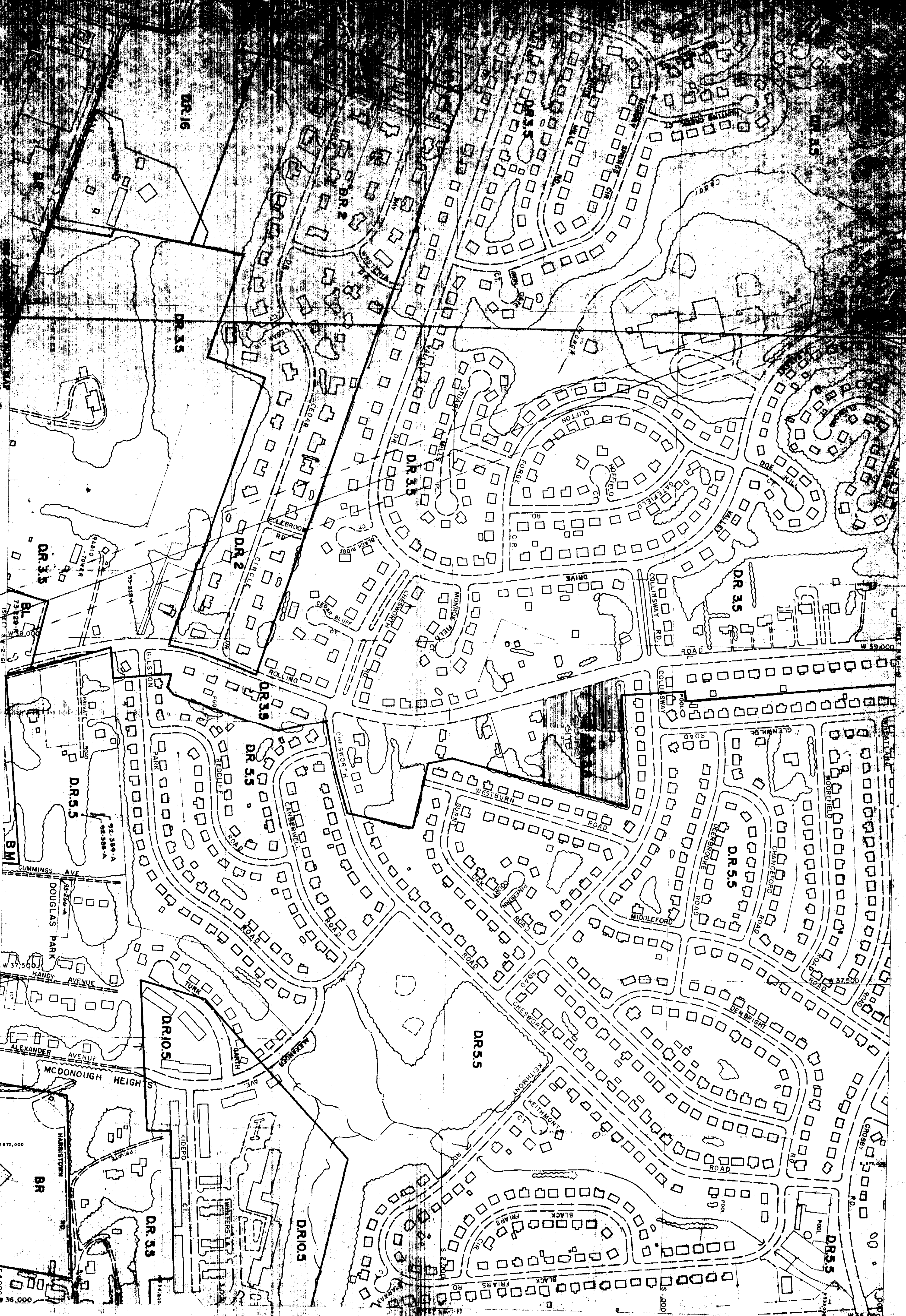


SCALE	1" = 200' ±
LOCATION	ITEM # 401
CATONSVILLE	
DATE	
OF	
PHOTOGRAPHY	
JANUARY	
1986	
S. W.	I - 6
SHEET	

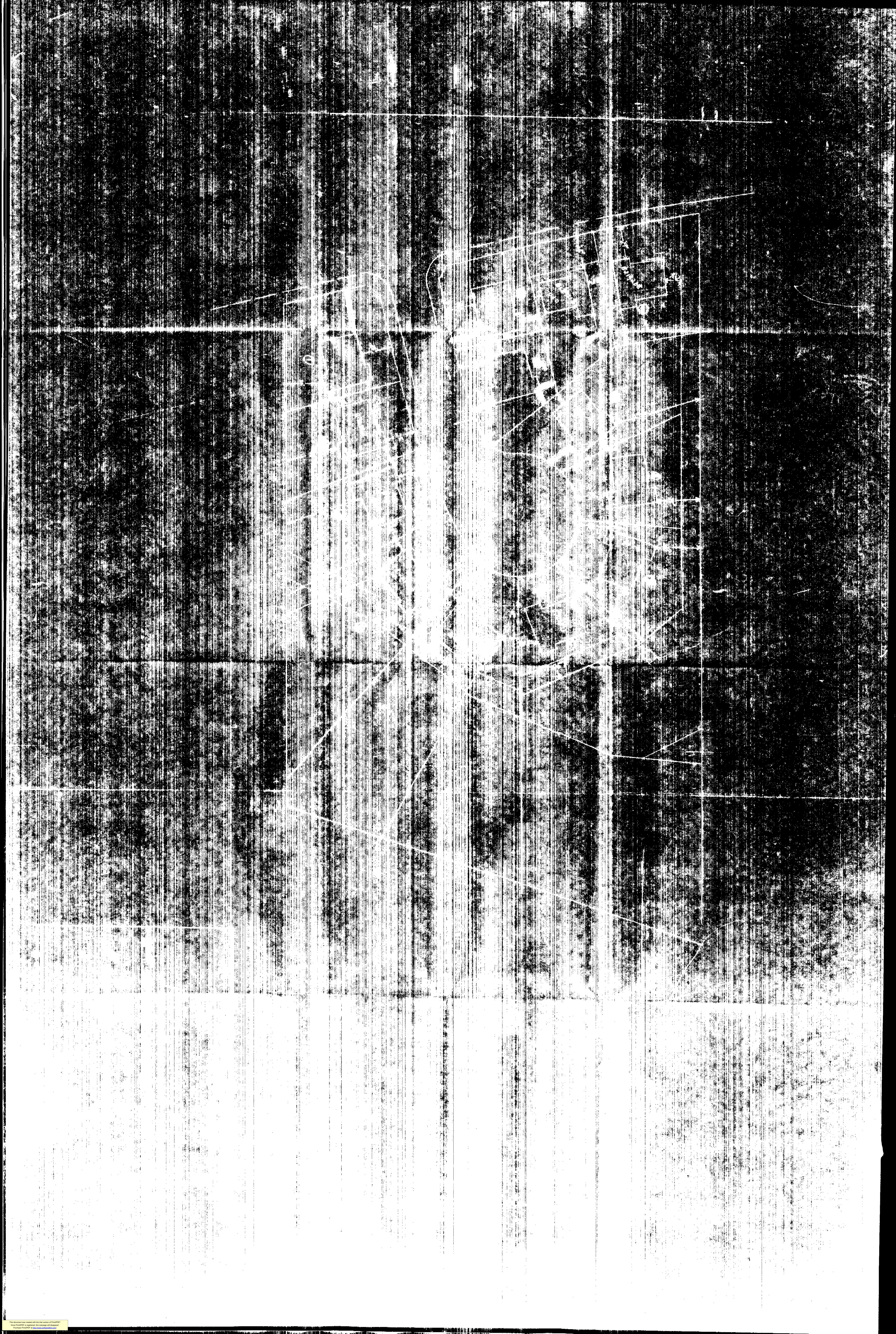
SCALE
1" = 200'

ITEM #	LOCATION
401	

SHEE



95-411-A



IN RE: PETITION FOR VARIANCE
E/S Rolling Road, 395' S of
the c/l of Collinsway Road
(1333 N. Rolling Road)
1st Election District
1st Councilmanic District
Joseph E. Buchanan, II
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 95-411-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 1333 North Rolling Road, located in the vicinity of Catonsville. The Petition was filed by the owner of the property, Joseph E. Buchanan, II. The Petitioner seeks variance relief from Section 1802.C.1.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit as follows: For Lot 1: a front setback of 36 feet in lieu of the required 40 feet and a side yard setback of 14 feet in lieu of the required 25 feet between Lots 1 and 2; For Lot 9: a front setback of 20 feet in lieu of the required 25 feet and a side yard setback of 10 feet in lieu of the required 16 feet between Lots 8 and 9 (for 25' height relationship); For Lot 10: a side yard setback of 10 feet in lieu of the required 15 feet (for 25' height relationship), a front yard setback of 20 feet in lieu of the required 25 feet, and a rear yard setback of 13 feet in lieu of the required 30 feet; and, For Lot 11: a front yard setback of 22 feet in lieu of the required 25 feet, a side yard setback of 5 feet in lieu of the required 13 feet between Lots 10 and 11 (for 25' height relationship), and a rear yard setback of 14 feet in lieu of the required 30 feet. The subject property and relief sought are more particularly described on the site plan submitted and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Joseph E. Buchanan, II, owner of the property, and Patrick M. O'Keefe, Sr., Professional Engineer. There were no Protestants present.

Testimony and evidence offered revealed that the property which is the subject of this request is located within the subdivision known as Adil Meadows, a small development consisting of 13 single family lots on which new dwellings are being constructed. Mr. Buchanan is both the owner of the property as well as the builder. Mr. Buchanan testified that 4 of the 13 lots are irregularly shaped with small building envelopes. These small building envelopes have prevented Mr. Buchanan from constructing the type of home that has sold elsewhere within this subdivision. In order to construct homes consistent with the style and price range of other homes in this subdivision, the requested variances are necessary.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Solev, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

- 2 -

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 12th day of July, 1995 that the Petition for Variance seeking relief from Section 1802.C.1.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit as follows: For Lot 1: a front setback of 36 feet in lieu of the required 40 feet and a side yard setback of 14 feet in lieu of the required 25 feet between Lots 1 and 2; For Lot 9: a front setback of 20 feet in lieu of the required 25 feet and a side yard setback of 10 feet in lieu of the required 16 feet between Lots 8 and 9 (for 25' height relationship); For Lot 10: a side yard setback of 10 feet in lieu of the required 15 feet (for 25' height relationship), a front

- 3 -

yard setback of 20 feet in lieu of the required 25 feet, and a rear yard setback of 13 feet in lieu of the required 30 feet; and, For Lot 11: a front yard setback of 22 feet in lieu of the required 25 feet, a side yard setback of 5 feet in lieu of the required 13 feet between Lots 10 and 11 (for 25' height relationship), and a rear yard setback of 14 feet in lieu of the required 30 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

- 4 -

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

July 12, 1995

Mr. Joseph E. Buchanan, II
9712 Magleot Road
Baltimore, Maryland 21234

RE: PETITION FOR VARIANCE
E/S Rolling Road, 395' S of the c/l of Collinsway Road
(1333 N. Rolling Road)
1st Election District - 1st Councilmanic District
Joseph E. Buchanan, II - Petitioner
Case No. 95-411-A

Dear Mr. Buchanan:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Permits and Development Management office at 887-3391.

Very truly yours,

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

cc: Mr. Patrick M. O'Keefe, Sr.
523 Penny Lane, Hunt Valley, Md. 21030

People's Counsel

File

Petition for Variance
AND AMENDMENT OF F.D.P. (ADIL MEADOWS)
to the Zoning Commissioner of Baltimore County
for the property located at 1333 N. Rolling Rd
which is presently zoned DR-35

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1802.C.1.b (B.C.Z.R.)

SEE ATTACHED COPY FOR VARIANCE REQUEST
of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)
Fit houses on lots, provide light & means
of egress & accommodate market requirements with
TYPE OPTIONS

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

(Type or Print Name)

Signature

Address

City

State

Zipcode

Address

City

State

Zipcode

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Zipcode

View so solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition

Legal Owner(s)

Joseph E. Buchanan II

(Type or Print Name)

Signature

Address

City

State

Zipcode

(Type or Print Name)

Signature

Address

City

State

Zipcode

(Type or Print Name)

Signature

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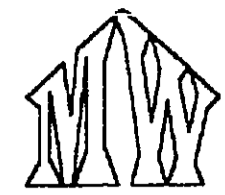
Zipcode

Address

City

State

MAI&E WATTS, INC.



SURVEYORS / ENGINEERS

2923 Chenoak Ave. Baltimore, Md. 21234 Phone (410) 882-0321 Fax (410) 661-8752

DESCRIPTION OF LOT NO.11
ADIL MEADOWS
TO ACCOMPANY PETITION FOR ZONING VARIANCE
1-ST ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

- Beginning for the same at the point of intersection of the East side of Rolling Road, 70 feet wide, and the North side of Adil Court, 50 feet wide, thence leaving said place of beginning and running along the North side of Adil Court, the 2 following courses:
- 1) South 61°16'42" East 14.14 feet and
 - 2) North 73°43'18" East 59.00 feet, thence leaving Adil Court and running the 2 following courses:
 - 3) North 16°16'42" West 74.00 feet and
 - 4) South 73°43'18" West 69.00 feet to the East side of said Rolling Road, thence running and binding thereon,
 - 5) South 16°16'42" East 64.00 feet to the place of beginning.

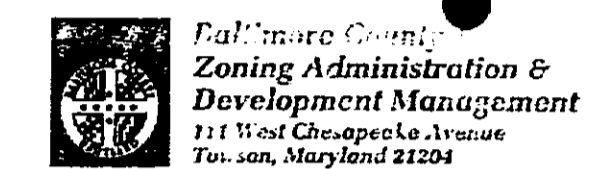
Containing 0.116 Acres of Land.



ITEM # 401

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
TOWSON, MARYLAND

District: 12.5
Posted for: Variance
Petitioner: Joseph E. Buchanan, II
Location of property: 1333 Rolling Rd.
Location of Sign: Rolling Road, on property being zoned
Remarks:
Posted by: [Signature]
Number of Signs: 2
Date of Posting: 5/14/95
Date of return: 6/2/95



Date: 5/19/95
Joseph Buchanan
1333 N. Rolling Rd.
1 - VARIANCE 4 LOTS @ \$50 = \$200
13 - SPH (F.D.P.) 4 LOTS @ \$5 = \$200
08 - 4 SIGNS = \$140
TOTAL = \$540.00
receipt
95-411-A
Number 401
R.T.

Please Make Checks Payable To: Baltimore County

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein, in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case #95-411-A (Item 401)
1333 N. Rolling Road, 395' +/- S of c/o Collins Road to c/o Mill Court
1st Election District - 1st Councilmanic
Legal Owner(s): Joseph E. Buchanan, II
Hearing: Tuesday, June 13, 1995 at 2:00 p.m. in Rm. 118, Old Courthouse.

Variance to permit 36-foot setback on Rolling Road instead of 40 feet required for Lot #1; to permit 14-foot side yard setback instead of 25 feet required between Lots #1 and #2 for Lot #1; to permit 20-foot front setback on Mill Court instead of 25 feet required for Lot #9; to permit 10-foot side yard setback instead of 15 feet needed for minimum 25-foot height relationship for Lot #10; to permit 20-foot front yard setback instead of 25 feet needed for minimum rear yard setback for Lot #10; to permit 13-foot rear yard setback instead of 25 feet needed for minimum rear yard setback for Lot #10; to permit 22-foot front yard setback instead of 25 feet needed for minimum rear yard setback for Lot #11; to permit a 5-foot side yard setback instead of 13 feet needed for minimum 25-foot height relationship between Lots #10 and #11 for Lot #11; and to permit 14-foot rear yard setback instead of 30 feet need for minimum rear yard.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County
NOTES: (1) Hearings are handicapped accessible. For special accommodations please call 887-3353.
(2) For information concerning the file and/or hearing, please call 887-3391.
(3) For information concerning the file and/or hearing, please call 887-3391.

CERTIFICATE OF PUBLICATION

TOWSON, MD. 5/25, 1995

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 5/25, 1995

THE JEFFERSONIAN,
A. Henrichsen
LEGAL AD. - TOWSON

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighbors/property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 401
Petitioner: Joseph E. Buchanan, II
Location: 1333 N. Rolling Rd.
PLEASE FORWARD ADVERTISING BILL TO:
NAME: Joseph E. Buchanan, II
ADDRESS: 9712 Magleto Rd.
BALTIMORE MD 21234
PHONE NUMBER: 410-982-6827

AJ:ggs

(Revised 04/09/93)

TO: PUBLISHER PUBLISHING COMPANY
MAY 25, 1995 Issue - Jeffersonian

Please forward billing to:

Joseph E. Buchanan, II
9712 Magleto Road
Baltimore, MD 21234
882-5827

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-411-A (Item 401)

1333 N. Rolling Road
E/S Rolling Road, 395' +/- S of c/o Collins Road to c/o Mill Court
1st Election District - 1st Councilmanic
Legal Owner(s): Joseph E. Buchanan, II
Hearing: TUESDAY, JUNE 13, 1995 at 2:00 p.m. in Room 118, Old Courthouse

Variance to permit 36-foot setback on Rolling Road instead of 40 feet required for Lot #1; to permit 14-foot side yard setback instead of 25 feet required between Lots #1 and #2 for Lot #1; to permit 20-foot front setback on Mill Court instead of 25 feet required for Lot #9; to permit 10-foot side yard setback instead of 15 feet needed for minimum 25-foot height relationship for Lot #10; to permit 20-foot front yard setback instead of 25 feet needed for minimum rear yard setback for Lot #10; to permit 13-foot rear yard setback instead of 25 feet needed for minimum rear yard setback for Lot #10; to permit 22-foot front yard setback instead of 25 feet needed for minimum rear yard setback for Lot #11; to permit a 5-foot side yard setback instead of 13 feet needed for minimum 25-foot height relationship between Lots #10 and #11 for Lot #11; and to permit 14-foot rear yard setback instead of 30 feet need for minimum rear yard.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

May 18, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-411-A (Item 401)

1333 N. Rolling Road
E/S Rolling Road, 395' +/- S of c/o Collins Road to c/o Mill Court
1st Election District - 1st Councilmanic
Legal Owner(s): Joseph E. Buchanan, II
Hearing: TUESDAY, JUNE 13, 1995 at 2:00 p.m. in Room 118, Old Courthouse

Variance to permit 36-foot setback on Rolling Road instead of 40 feet required for Lot #1; to permit 14-foot side yard setback instead of 25 feet required between Lots #1 and #2 for Lot #1; to permit 20-foot front setback on Mill Court instead of 25 feet required for Lot #9; to permit 10-foot side yard setback instead of 15 feet needed for minimum 25-foot height relationship for Lot #10; to permit 20-foot front yard setback instead of 25 feet needed for minimum rear yard setback for Lot #10; to permit 13-foot rear yard setback instead of 25 feet needed for minimum rear yard setback for Lot #10; to permit 22-foot front yard setback instead of 25 feet needed for minimum rear yard setback for Lot #11; to permit a 5-foot side yard setback instead of 13 feet needed for minimum 25-foot height relationship between Lots #10 and #11 for Lot #11; and to permit 14-foot rear yard setback instead of 30 feet need for minimum rear yard.

Arnold Jablon
Director

cc: Joseph E. Buchanan, II

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

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on Recycled Paper

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

June 7, 1995

Mr. Joseph E. Buchanan
9712 Magleto Road
Baltimore, Maryland 21234

RE: Item No.: 401
Case No.: 95-411-A
Petitioner: J. E. Buchanan

Dear Mr. Buchanan:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by the Office of Zoning Administration and Development Management (ZADM), Development Control Section on May 9, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

Printed with Soybean Ink
on Recycled Paper

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, ZADM DATE: June 1, 1995

FROM: Pat Keller, Director, OPZ

SUBJECT: Adil Meadows

INFORMATION:

Item Number: 401
Petitioner: Joseph E. Buchanan
Property Size:
Zoning: D.R. 3.5
Requested Action: Variance
Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

The applicant requests relief from several setback requirements and an amendment to the Final Development Plan for Adil Meadows.

Pursuant to Section 1801.3A7.b(1) of the Baltimore County Zoning Regulations, an analysis of the subject request reveals that this amendment is technically in accordance with the specific standards and requirement of (BCZR) Article (18), as required by sub-section 7.b(2).

Notwithstanding the finding that the amendment is in accordance with the appropriate sections of the Baltimore County Zoning Regulations and the Comprehensive Manual of Development Policies, staff recommends the applicant's Variance request be denied for the reasons outlined below:

The Maryland Court of Special Appeals has outlined in the case *Crowell v. Ward* a complete history of variances, their intent and purpose, and the grounds upon which variances should be considered. The Court of Appeals has outlined a two step process by which all variances should be evaluated. In summary the Court provided the following.

ITEH401/PZONE/ZAC1

1. "The first step [in the review process] requires a finding that the property whereon the structures are to be placed (or uses conducted) is - in and of itself - unique and unusual in a manner different from the nature of surrounding properties such that the uniqueness and peculiarity of the subject property causes the zoning provision to impact disproportionately upon that property."

2. "[The] second step taken in the process [is the] determination of whether practical difficulty and/or unreasonable hardship, resulting from the disproportionate impact of the ordinance caused by the property's uniqueness exists. Further consideration must then be given to the general purposes of the zoning ordinance."

The Court goes on to state that "Evidence of hardship or difficulty that will support a variance must relate to the land itself and not the owner applicant. A hardship created by the owner constitutes no valid basis for a variance." Financial hardship, or actual construction whether legally enabled e.g. permit or illegally conducted e.g. construction without a permit does not constitute grounds for a variance.

The applicant's indicated hardship or practical difficulty provides no valid basis for the granting of a Variance in this case.

Prepared by: Jeffrey M. Long

Division Chief: Carol L. Kwan

PK/JL

ITEM401/PZONE/ZAC1

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: May 30, 1995
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for May 30, 1995
Items 401, 402, 406, and 407

The Developers Engineering Section has reviewed the subject zoning item and we have no comments.

RWB:ew

Baltimore County Government
Fire Department

700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 05/23/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF MAY 22, 1995.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

B. The Fire Marshal's Office has no comments at this time.
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 401, 402, 404, 405,
406, 407, 409, 410 AND 411.

RECEIVED
MAY 30 1995
ZADM

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4821, MS-1102F

cc: File

Printed on Recycled Paper

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: ZADM

DATE: 5/31/95

FROM: DEPRM
Development Coordination

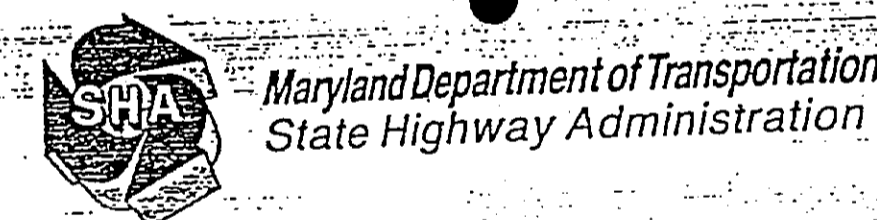
SUBJECT: Zoning Advisory Committee
Agenda: 5/22/95

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: 401
407
408
409
410
411

LS:sp

LETTY2/DEPRM/TXTS8P



O. James Lighthizer
Secretary
Hal Kassoff
Administrator

Ms. Joyce Watson
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: 401 (M)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
for Ronald Burns, Chief
Engineering Access Permits
Division

BS/

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

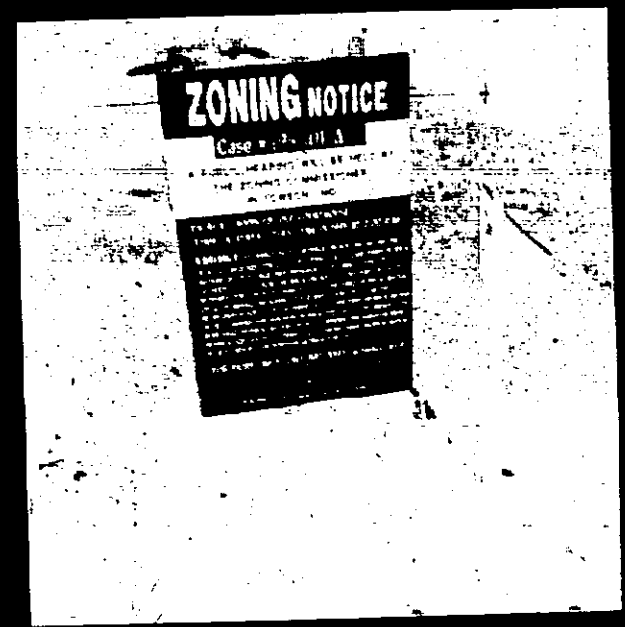
6/13/95

2:00 HEARING
ADIL MEADOWS

NAME: Josephine Buchanan
Patricia M. O'Keefe, SR
ADDRESS: 9712 MARGLETT RD.
523 PENNY LANE, HUNT VALLEY, MD 21030

Printed with Soybean Ink
on Recycled Paper

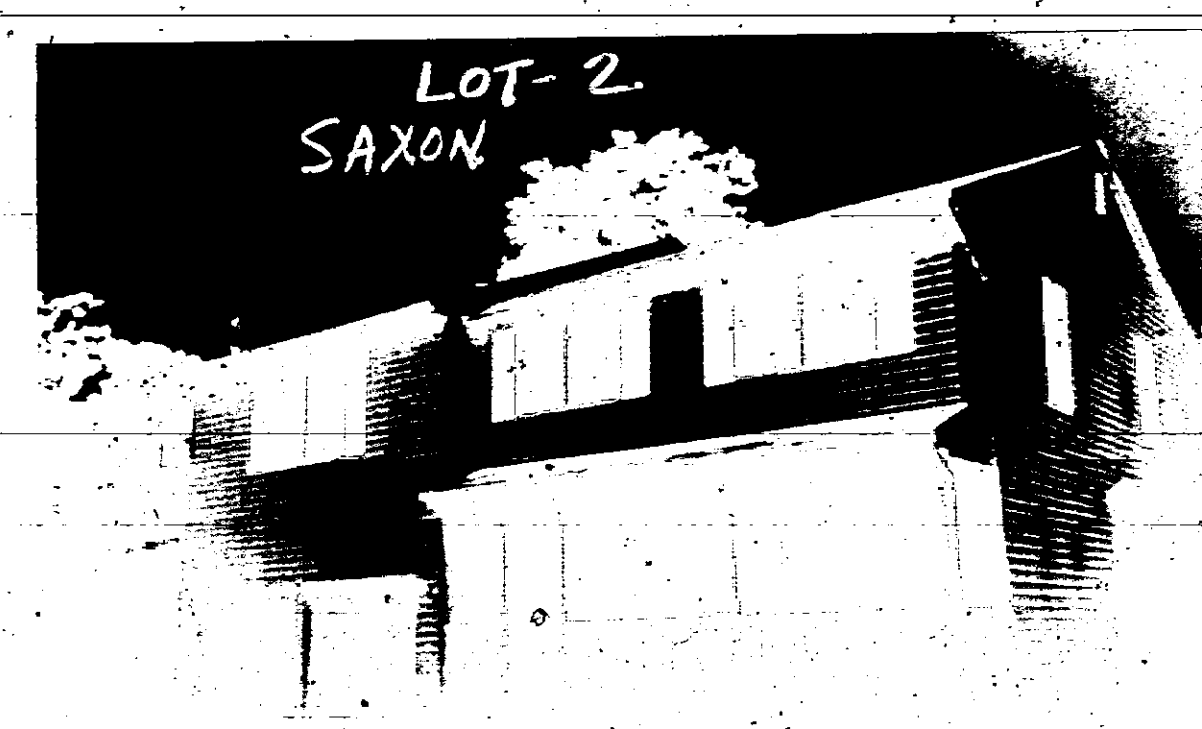
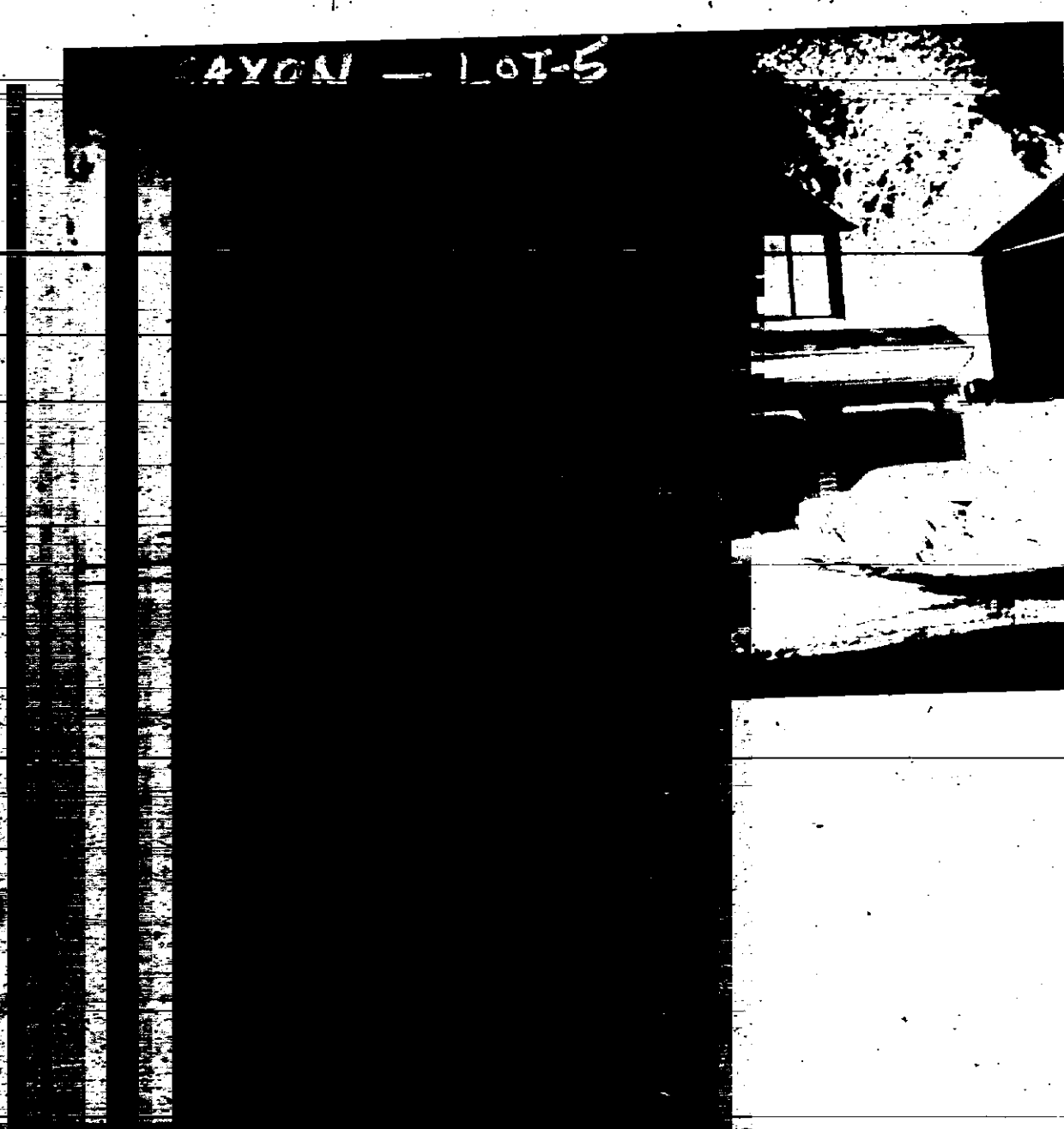
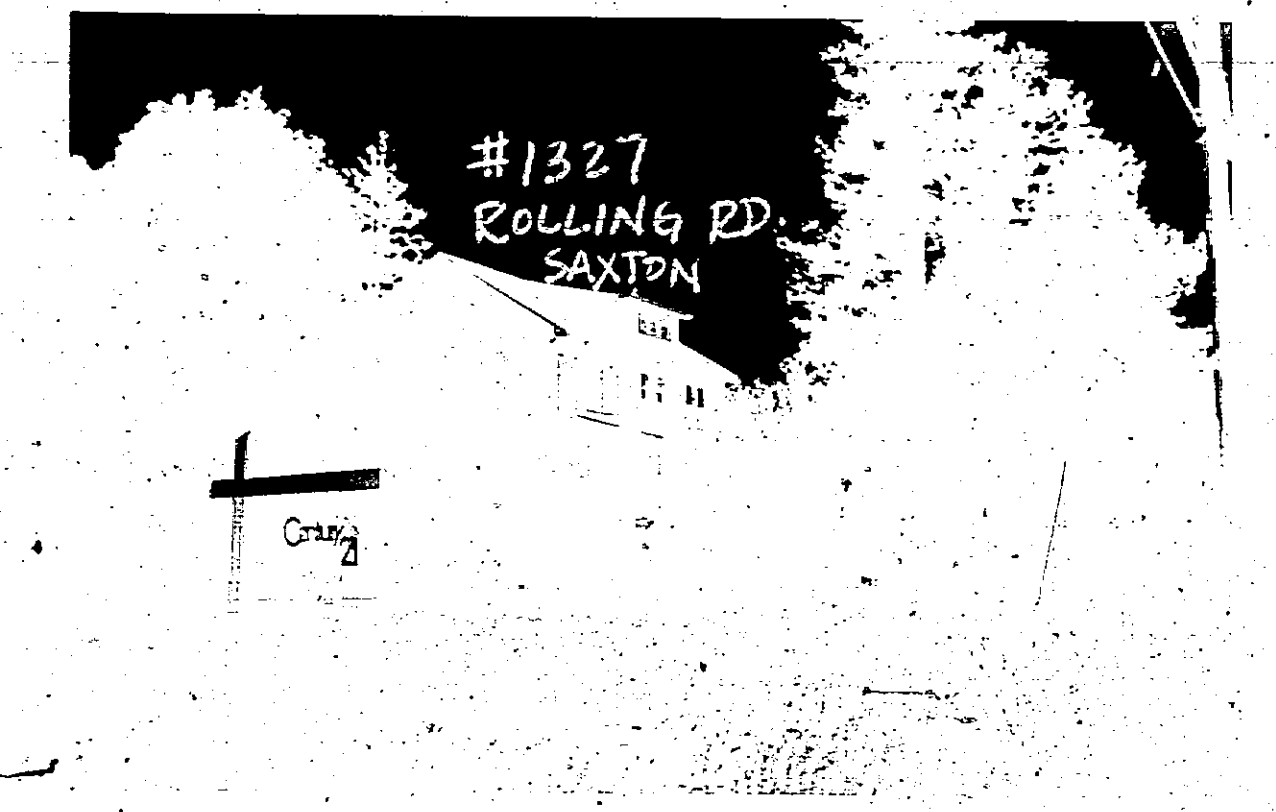
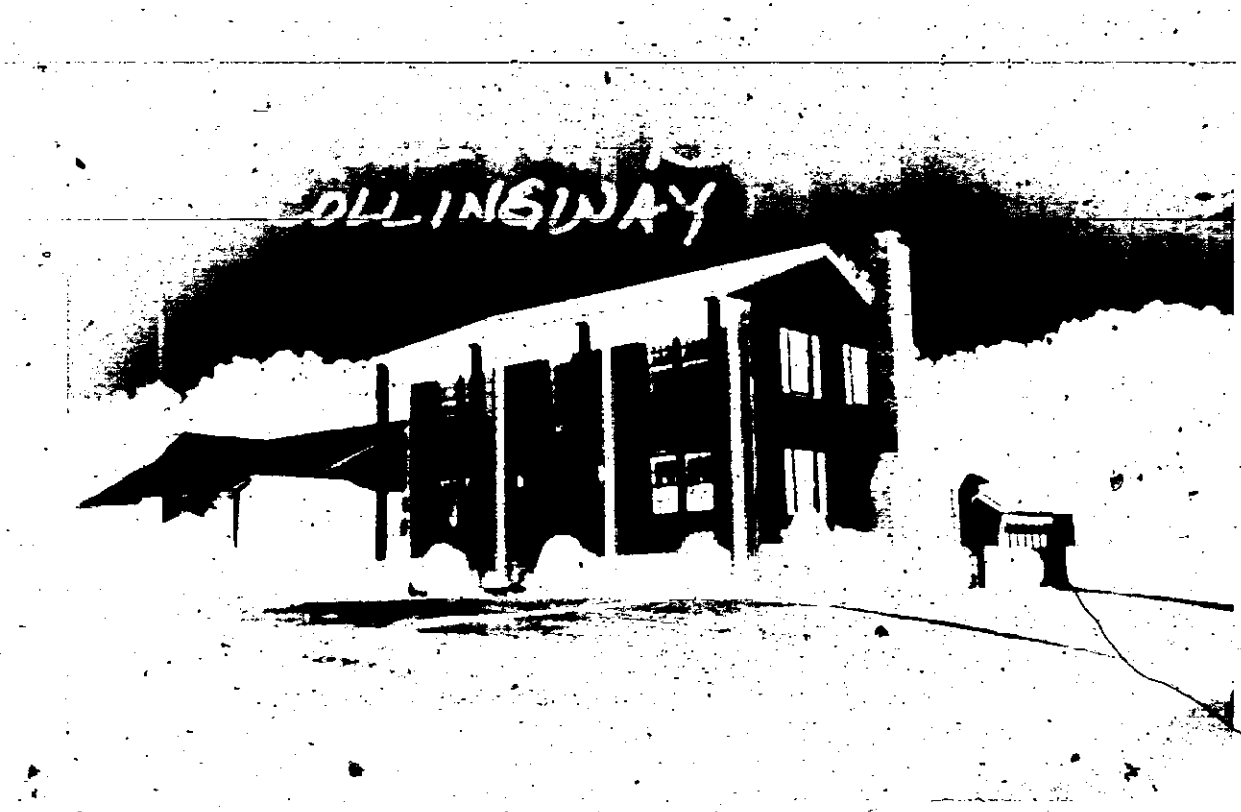
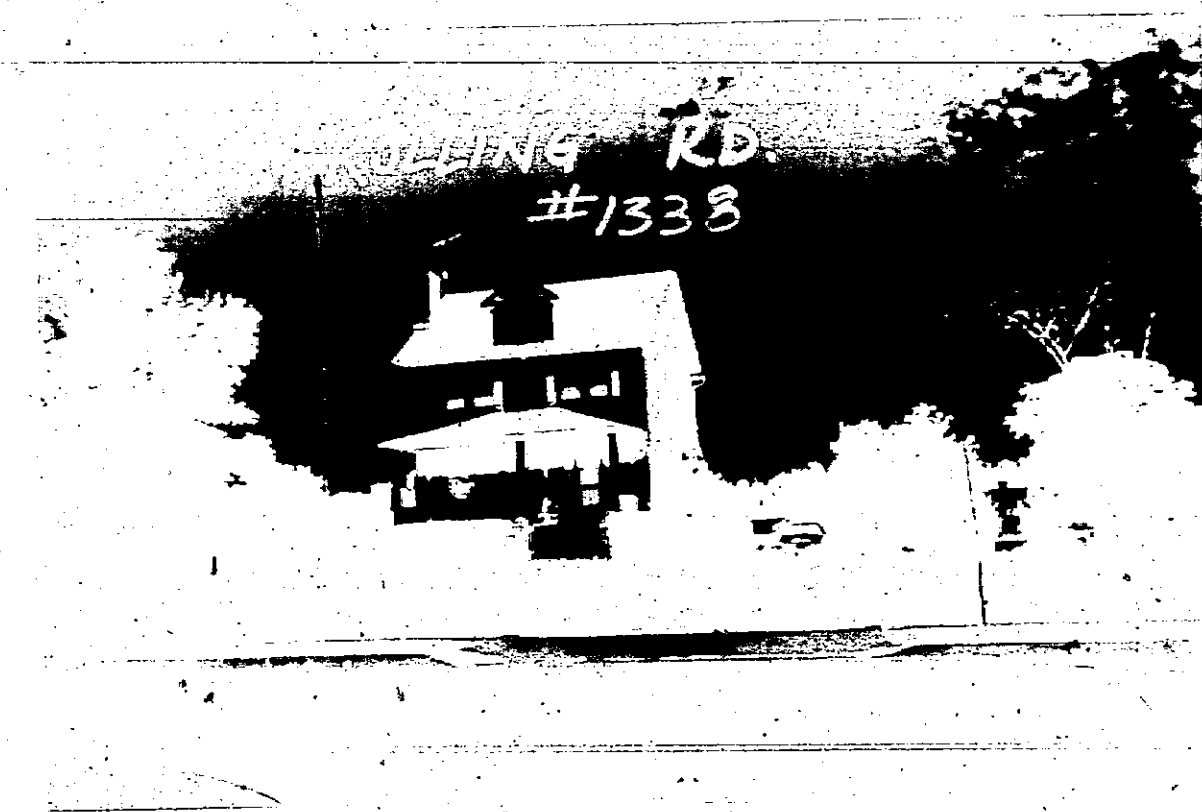
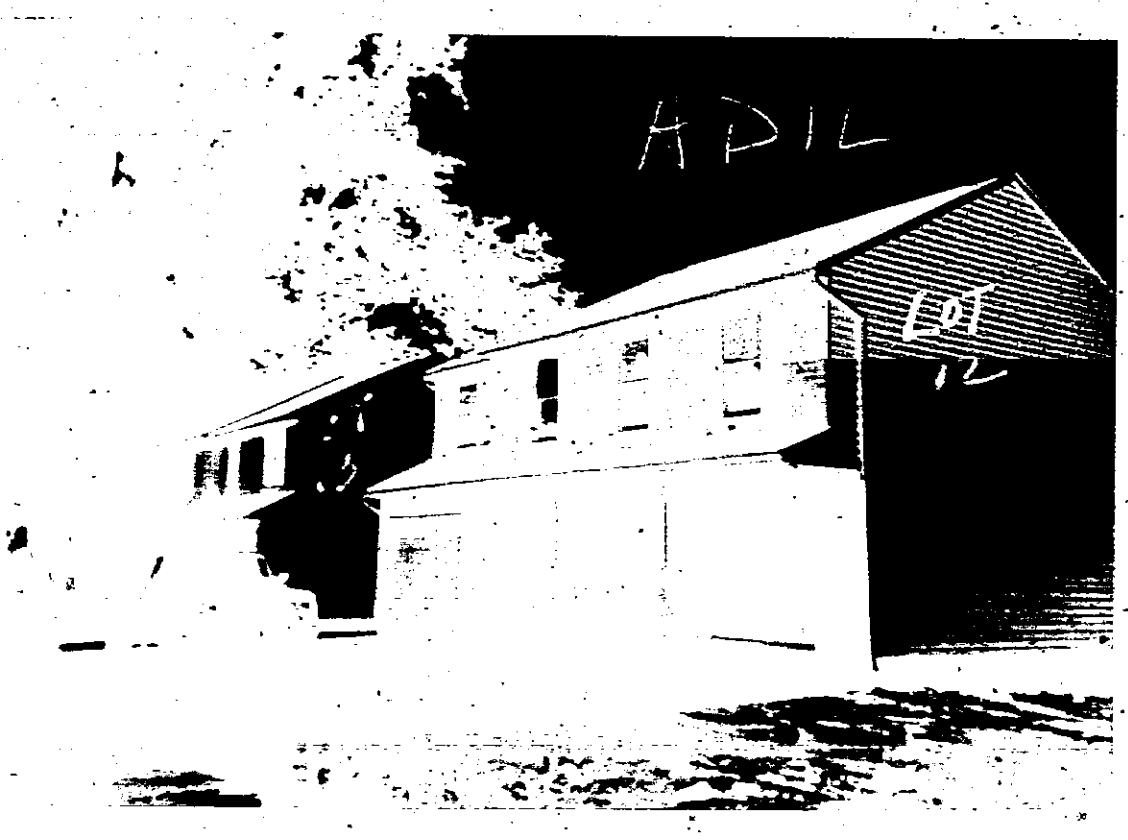
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711

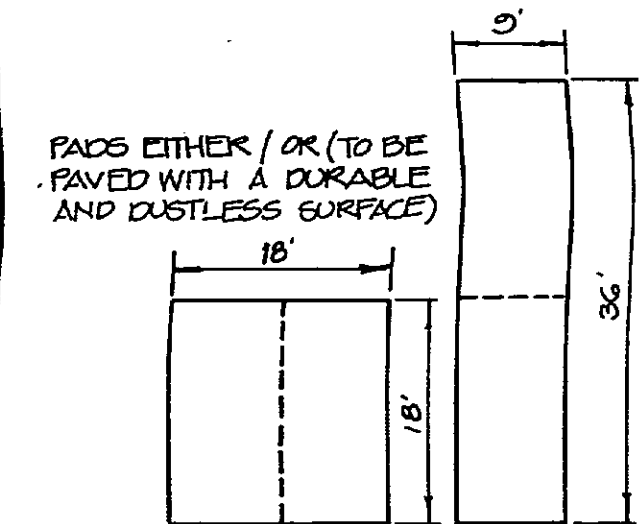
Petitioner's
Exhibits
2A-2C
&
3A-3I
Case 95-411-A

LOT-5 ADIL LOT-4



GENERAL NOTES

- All lots shown hereon are for sale.
- This site lies within Census Tract No. 4815.85.
- This site lies within Councilmanic District No. 1.
- This site lies within Watershed 30.
- This site lies within Subwatershed 78.
- Existing land use is residential.
- There are no historical areas, critical areas, archeological sites, endangered species habitat or hazardous material on this site.
- All utilities shown hereon are to be public.
- Site 25% wooded with 68% of trees to be removed.
- A landscaping plan will be submitted and approved by the Office of Planning and Zoning prior to the issuance of any building permits.
- Landscaping to be done in accordance with the Baltimore County Landscape Manual.
- Landscaping calculation: 1 tree per lot = 13 trees.
- Lots shown hereon will operate on public water and sewer systems.
- Average daily trips: 13 x 18.4 = 135.
- Lots shown hereon are for single family residential use only.
- All existing buildings on the property are to be razed.
- Street lights shall be a maximum of 14 feet high and directed away from adjoining residences.
- Trash to be collected by Baltimore County at curb.
- All driveways are to be paved with macadam.
- Existing buildings will be surveyed for asbestos prior to razing.
- Existing fence around the perimeter of the site will remain except at N.W. corner of the site.
- Lots 1 and 11 will access via the proposed road.



TYPICAL PARKING PADS

SOIL TYPES & LIMITATIONS			
TYPE	CLASS	HOUSES w/ BMTS.	STREETS & PARKING
Msb2	B	SLIGHT	MODERATE: SLOPE
Adb2	D	MODERATE: WATER TABLE (SEASONALLY PERCHED): SLOPE	MODERATE: WATER TABLE (SEASONALLY PERCHED): SLOPE
*Ksb2	D	SEVERE: HIGH WATER TABLE; SOMEWHAT POOR NATURAL DRAINAGE; SUBSOIL SHRINKAGE AND INSTABILITY	SEVERE: HIGH WATER TABLE; SOMEWHAT POOR NATURAL DRAINAGE; SUBSOIL SHRINKAGE AND INSTABILITY; SLOPE

*MITIGATION MEASURES

IF Ksb2 SOILS CONSIDERED UNSTABLE ARE ENCOUNTERED DURING EXCAVATION, A GEOTECHNICAL ENGINEER WILL BE CONSULTED FOR RECOMMENDATIONS CONCERNING CORRECTIVE MEASURES. IT IS LIKELY THAT ANY SUCH PROBLEMS WILL BE MINIMAL AND THAT CORRECTIVE MEASURES WOULD PROBABLY CONSIST OF UNDERCUTTING AND REMOVING THE PROBLEM SOILS. IF DRAINAGE PROBLEMS OR WET SOILS ARE ENCOUNTERED, UNDERDRAINS WOULD BE UTILIZED TO AVOID POTENTIAL PROBLEMS WITH BASEMENTS.

McKEE & ASSOCIATES, INC.

Engineering - Surveying - Real Estate Development
SHAWAN PLACE, 5 SHAWAN ROAD HUNT VALLEY, MARYLAND 21030
(301) 252-5820

Computed by: G.E.
Drawn by: D.T.M.
Checked by: L.T.B.
Job Number: 57-112

James W. McKee Date
(Maryland Registered No. 9012)



CRS PLAN NOTE

This development plan complies with the CRS plan and all CRS Comments.

LANDSCAPE PLAN NOTE

A landscape plan must be approved by the Office of Planning prior to the issuance of a building permit.

ZONING COMMISSIONER'S NOTE

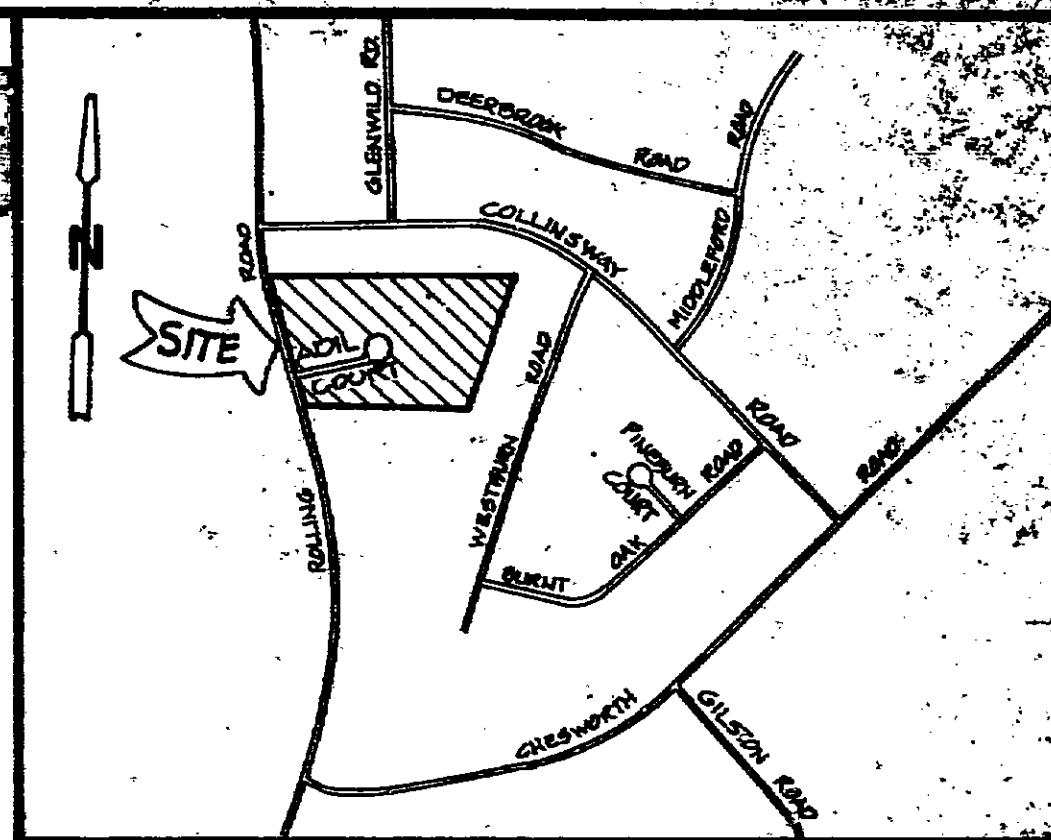
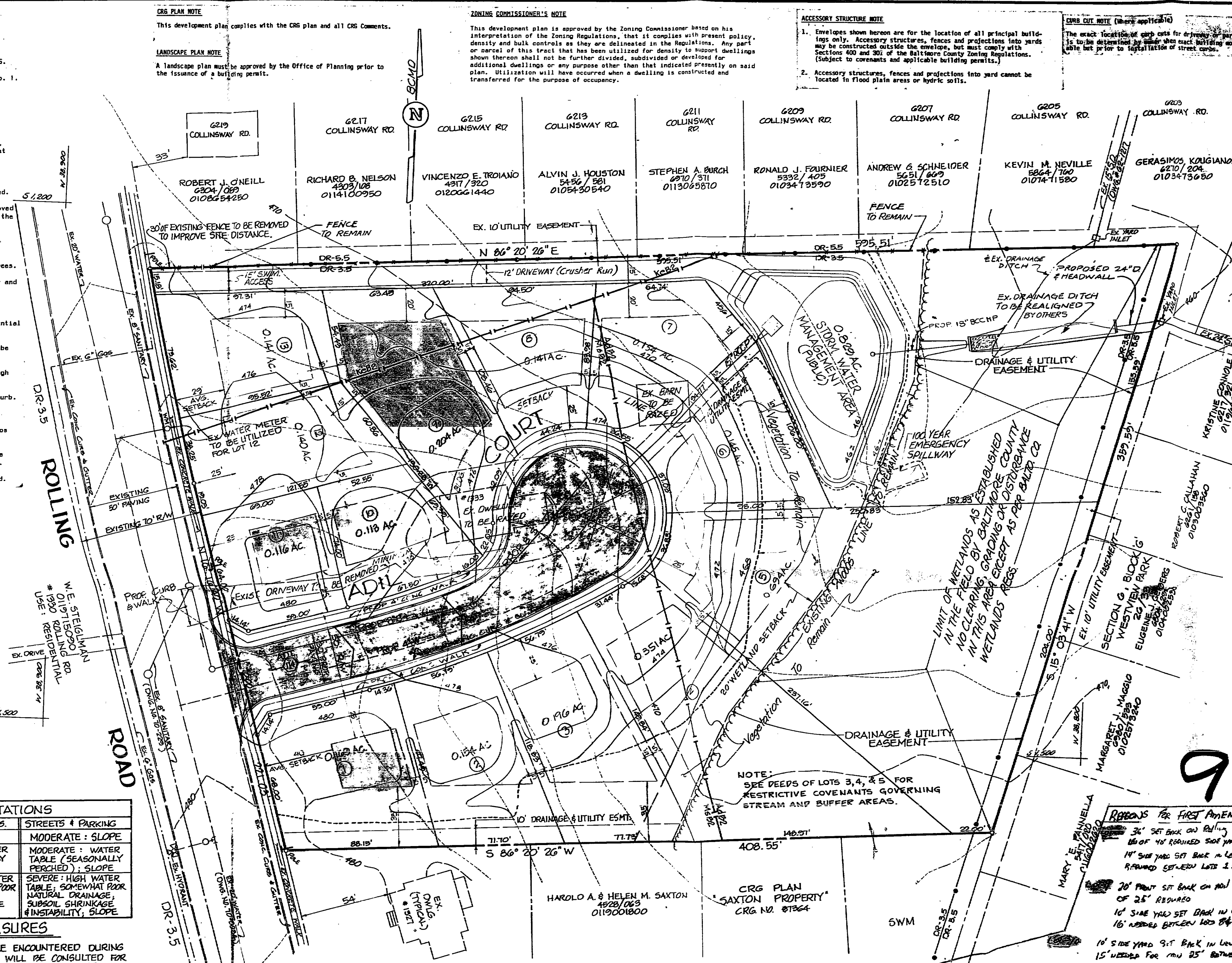
This development plan is approved by the Zoning Commissioner based on his interpretation of the Zoning Regulations, that it complies with present policy, density and bulk controls as they are delineated in the Regulations. Any part or parcel of this tract that has been utilized for density in support dwellings shown thereon shall not be further divided, subdivided or developed for additional dwellings or any purpose other than that indicated presently on said plan. Utilization will have occurred when a dwelling is constructed and transferred for the purpose of occupancy.

ACCESSORY STRUCTURE NOTE

- Envelopes shown hereon are for the location of all principal buildings only. Accessory structures, fences and projections into yards may be constructed outside the envelope, but must comply with Sections 400 and 301 of the Baltimore County Zoning Regulations. (Subject to comments and applicable building permits).
- Accessory structures, fences and projections into yard cannot be located in flood plain areas or hydric soils.

CRS OUT NOTE (Where applicable)

The exact location of each curb for driveway or parking pad entrance is to be determined by the exact building model, location, width, but prior to installation of street curb.



VICINITY MAP
SCALE: 1"=500'

DENSITY NOTES

- GROSS AREA OF TRACT = 4.20 AC, NET AREA 3.43 AC
- EXISTING ZONING DR-3.5-0.08 AC
- NO. OF LOTS ALLOWED DR-3.5 (4.20 x 3.5) = 14.42
DR-5.5 (0.08 x 3.5) = 0.41
TOTAL = 14.83 LOTS
- NO. OF LOTS PROPOSED 13 LOTS
- NET AREA OF LOTS 2.718 AC
- ROAD DEDICATION 0.392 AC
- S.W.M. RESERVATION 0.829 AC
- AVERAGE AREA OF LOTS 0.21 AC
- ALL LOTS ARE FOR SALE.

LOCAL OPEN SPACE DATA

Local Open Space Required 13.750 SF = 0.450 SF
0.194 AC A Waiver To The Local Open Space Requirements Has Been Granted (2-10-88) Fee In Lieu Of Lots 4.400.04

PARKING DATA

No. of Parking Space Required 13 x 2 = 26
No. of Parking Spaces Provided 26

Each Lot Will Have A Minimum Of 2 Off Street Spaces

95-411-A

OFFICE OF PLANNING & ZONING

APPROVED

PETITIONER'S
EXHIBIT

DIRECTOR OF PLANNING

ZONING COMMISSIONER

DATE OF CRG APPROVAL: 4-14-89

FIRST AMENDED

FINAL DEVELOPMENT PLAN

ADIL MEADOWS

1ST. ELECTION DISTRICT BALTIMORE COUNTY MARYLAND
SCALE: 1"=30' SEPTEMBER 5, 1989

OWNER & APPLICANT

BILAL AHMAD AND PARVEEN GURESH
1506 KINGS WILLIAM DRIVE
CATONSVILLE, MARYLAND 21228
(301) 298-4200 ITEM#401

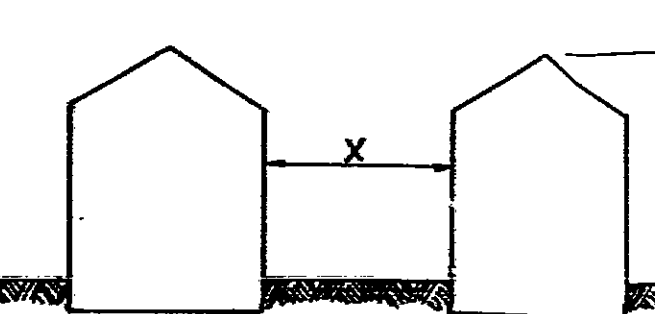
RED REFERENCE: 002/974 TAX ACCOUNT NO. 04113

SEE SEPARATE CRG FOR BOUNDARIES PLANNING NO. 57-112

TYPICAL SETBACKS (MIN.)

BUILDING TO EX. R/W CL	50'
WINDOW TO WINDOW	40'
WINDOW TO STREET R/W	25'
WINDOW TO LOT LINE	15'
WINDOW TO TRACT BOUNDARY	35'
BUILDING TO TRACT BOUNDARY	30'
BUILDING TO EX. R/W	25'
BUILDING TO PROPOSED R/W	0'

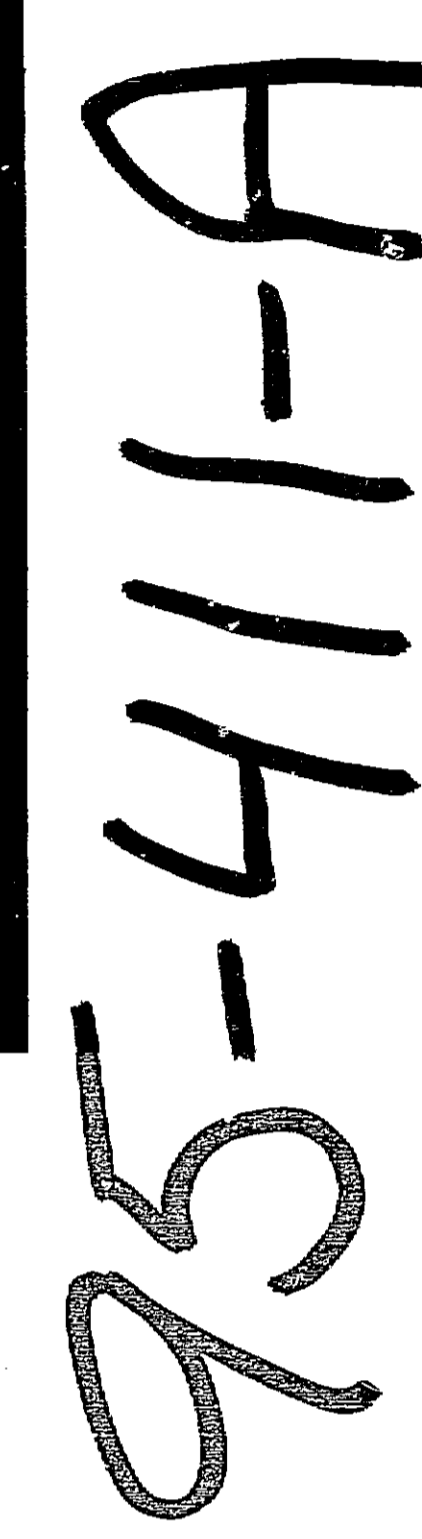
NOTE: NO BUILDING WILL BE HIGHER THAN 20' NOR EXTENDED MORE THAN 300' IN LENGTH.



HEIGHT RELATIONSHIP
SINGLE FAMILY DWELLING

PROFILE ALONG S.W.M. ACCESS

SCALE: 1"=50' HORIZ.
1"=10' VERT.



S. W.
I - G

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY EUCHART-HORN, INC. BALTIMORE, MD. 21210